

Exhibit 40

THE LANIER LAW FIRM PLLC

Nahid A. Shaikh, Esq.

Attorney ID No. 112002014

126 East 56th Street, 6th Floor

New York, New York 10022

Tel.: (212) 421-2800

*Attorneys for Plaintiffs***RICARDO RIMONDI and PILAR RIMONDI,**

Plaintiffs,

vs.

BASF CATALYSTS LLC (as successor to Engelhard Corp., Engelhard Minerals & Chemicals Corp., and Minerals & Chemicals Corp.);**BRENTAG SPECIALTIES INC.** (individually, as successor to, and formerly known as Mineral & Pigment Solutions Inc., and Whittaker, Clark & Daniels Inc.);**CYPRUS AMAX MINERALS CO.** (individually, doing business as, and as successor to Metropolitan Talc Co. Inc., and Charles Mathieu Inc.);**GEORGIA-PACIFIC LLC;****IMERYS TALC AMERICA INC.** (f/k/a Luzenac America Inc.);**JOHNSON & JOHNSON;****JOHNSON & JOHNSON CONSUMER INC.** (f/k/a Johnson & Johnson Consumer Companies Inc.);**PERSONAL CARE PRODUCTS COUNCIL** (f/k/a Cosmetic, Toiletry, and Fragrance Association);**RIO TINTO LTD.** (individually, doing business as and as successor to Talco e Grafite Val Chisone, Societa Talco e Grafite Val, Luzenac Val Chisone, Rio Tinto Minerals Group, Luzenac Val Chisone, Rio Tinto Plc, Luzenac America Inc., Luzenac Inc., Luzenac Group, Rio Tinto Talc Ltd., Luzenac Group, Imerys Minerals Delaware Inc., United Sierra Talc Co., and Talco Val Chisone);**WHITTAKER, CLARK & DANIELS INC.;**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION MIDDLESEX COUNTY

DOCKET NO.:

CIVIL ACTION
ASBESTOS LITIGATION**COMPLAINT,
DEMAND FOR TRIAL BY JURY, AND
DEMAND FOR ANSWERS TO INTERROGATORIES**Date Served: 5/25/17

Company Served: _____

D+G/ggc I
201704152 (P)

Personal Service

KMG

JOHN DOE CORPORATIONS 1-25,

Defendants.

Plaintiffs, by way of complaint against Defendants, upon information and belief, allege as follows:

PARTIES

1. Plaintiffs, RICARDO RIMONDI and PILAR RIMONDI, his spouse, reside at [REDACTED] Brentwood, New York. RICARDO RIMONDI was exposed to asbestos¹ directly and indirectly from asbestos-containing products between 1960 and approximately 2010. As a direct and proximate result of his exposure to asbestos, RICARDO RIMONDI was diagnosed with malignant mesothelioma on or about 27 September 2016.

2. Defendants are corporations or other business entities organized under the laws of the various states of the United States that were and/or are doing business in the State of New Jersey and/or were and/or are participating in a conspiracy² and/or concert-of-action that was or is located or conducted in New Jersey and/or had effects in New Jersey, including, but not limited to, the violation within the state of its laws and regulations. Defendants, except for Personal Care Products Council, mined, milled, processed, imported, converted, compounded, designed, manufactured, marketed, supplied, distributed, sold, used and/or otherwise placed in the stream of commerce asbestos-containing products.

3. Defendant BASF CATALYSTS LLC (as successor to Engelhard Corp., Engelhard Minerals & Chemicals Corp., and Minerals & Chemicals Corp.) is a corporation with a principal place of business in

¹ As used throughout this complaint, the term "asbestos" shall be interpreted in the broadest sense and include, without limitation, non-regulated and non-commercial forms of asbestos (including non-fibrous asbestos), cleavage fragments, and transition/transitional fibers, without limitation as to particular fiber size, dimension or ratio.

² See, e.g., *Ficus v. Combustion Fin. AG*, 2004 U.S. Dist. LEXIS 29844 at *17 (D.N.J. July 22, 2004); *Everest Nat'l Ins. Co. v. Sutton*, 2007 U.S. Dist. LEXIS 65398, 2007 WL 2572438 (D.N.J. Sept. 4, 2007); *In re Bulk [Extruded] Graphite Prods. Antitrust Litig.*, 2004 U.S. Dist. LEXIS 29586 at *26 (D.N.J. Oct. 26, 2004); *Vist Fin. Corp. v. Tartaglia*, No. 08-CV-4116 (DMC), 2010 WL 2776832 at *5 (D.N.J. July 14, 2010); and *State, Dep't of Treasury, Div. of Inv. ex rel. McCormac v. Qwest Commc'ns Int'l Inc.*, 387 N.J. Super. 487, 502, 904 A.2d 786, 794 (App. Div. 2006).

CERTIFICATION

I hereby certify that to my knowledge the within matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, and that no other action or arbitration proceeding is contemplated with the exception of a possible workers' compensation claim. I have no knowledge at this time of any non-party over which the Court would have personal jurisdiction that should be joined in this action.

THE LANIER LAW FIRM PLLC
Attorneys for Plaintiffs

By: Nahid A. Shaikh
Nahid A. Shaikh, Esq.

Dated: 16 May 2017